

RESOLUTION

WHEREAS, the Administration is requesting that the Council of the City of Memphis modify the FY2009 Capital Improvement Budget by accepting funds from Liberty Mutual for the repair of one (1) Pumper -- Engine 59, Project FS03001, Replace Pumpers; and

WHEREAS, the Division of Fire Services has entered into a negotiated contract with the provider of the desired vehicle repair service, Sunbelt Fire, Inc. of 8050 McGowin Drive; Fairhope, Alabama 35532-5542 at a total cost of \$56,682.00; and

WHEREAS, it is necessary to allocate and appropriate \$50,000.00 in Local Other Revenue from Liberty Mutual for the repair of one (1) Pumper and appropriate \$6,682.00 in General Obligation Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY2009 Capital Improvement Budget is hereby amended with the acceptance and allocation of funds from Liberty Mutual in the amount of \$50,000.00.

BE IT FURTHER RESOLVED THAT THE SUM OF \$50,000.00 in Local Other Revenue and the sum of \$6,682.00 in General Obligation Bonds is hereby appropriated and chargeable to the FY2009 Capital Improvement Budget and credited as follows:

Replace Pumpers

Project Number FS03001

\$50,000.00

Local Other Revenue

\$6,682.00

General Obligation Bonds

CITY COUNCIL RESOLUTION

WHEREAS, Operation Safe Community Strategy 14 is to implement a coordinated domestic violence initiative to help combat homicides involving family violence and to stop the cycle of family violence in part by providing a facility to address the needs of domestic violence victims; and

WHEREAS, in order to help implement Strategy 14, the Memphis City Council approved a grant in the amount of \$750,000.00 to the Family Safety Center contingent on the ability of the Family Safety Center to raise an additional \$750,000.00 in private funds by April 30, 2009; and

WHEREAS, the Family Safety Center requests the extension of this April 30, 2009 deadline in order to continue raising private funds in these challenging economic times.

NOW, THEREFORE BE IT RESOLVED, that the Memphis City Council extends the deadline for the Family Safety Center to raise matching funds not to exceed \$750,000.00 until April 30, 2010 for the purpose of securing a previously approved city grant in the amount of \$750,000.00.

BILL MORRISON
Memphis City Councilman

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Fourteen Thousand Two Hundred Eighty Six Dollars, (\$14,286.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title Five-Incentive Grant; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2009 Operating Budget to establish funds for the WIA Title Five-Incentive Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount Fourteen Thousand Two Hundred Eighty Six Dollars (\$14,286.00) for the WIA Title Five-Incentive Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title Five-Incentive Grant in the amount of Fourteen Thousand Two Hundred Eighty Six Dollars, (\$14,286.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2009 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title Five-Incentive Grant in the amount of Fourteen Thousand Two Hundred Eighty Six Dollars, (\$14,286.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title Five-Incentive Services	<u>\$14,286.00</u>
TOTAL	\$14,286.00

Expense

WIA Title Five-Incentive Services	<u>\$14,286.00</u>
TOTAL	\$14,286.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Thirty Two Thousand One Hundred Fifty Six Dollars, (\$32,156.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Statewide Activities Grant; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2009 Operating Budget to establish funds for the WIA Title One Statewide Activities Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Thirty Two Thousand One Hundred Fifty Six Dollars (\$32,156.00) for the WIA Title One Statewide Activities Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Statewide Activities Grant in the amount of Thirty Two Thousand One Hundred Fifty Six Dollars, (\$32,156.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2009 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Statewide Activities Grant in the amount of Thirty Two Thousand One Hundred Fifty Six Dollars, (\$32,156.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Statewide Activities Services	<u>\$32,156.00</u>
TOTAL	\$32,156.00

Expense

WIA Title One Statewide Activities Services	<u>\$32,156.00</u>
TOTAL	\$32,156.00

RESOLUTION

WHEREAS, in 1987, the Board of County Commissioners of Shelby County, Tennessee, and the Memphis City Council granted the Industrial Development Board of the City of Memphis and County of Shelby authority to provide financial incentives in the form of payment in lieu of ad valorem taxes (PILOT) to attract new businesses and new job opportunities; and

WHEREAS, the policies of the Industrial Development Board have been amended over the years to strengthen the program and provide benefits commensurate with the level of investment, the number of jobs, and wages provided by businesses receiving a PILOT and to ensure performance of the commitments in these areas, the most recent amendments having been adopted in 2007 upon the recommendation of the Memphis City Council and the Board of County Commissioners of Shelby County, Tennessee; and

WHEREAS, the PILOT program has become the key recruitment tool for Memphis and Shelby County in attracting new jobs and investment, using an internationally recognized benefit versus cost analysis and matrix scoring system to ensure that new jobs recruited to the community generate more revenues than taxes forgiven; and

WHEREAS, Memphis and Shelby County's unique location at the center of the country, combined with its unparalleled infrastructure and multimodal transportation capacity, makes it an attractive place for business; and

WHEREAS, the competition between cities to attract new jobs and industry has grown dramatically over the past decade, both with traditional peer cities and, most notably, with other parts of the Memphis, TN-MS-AR Metropolitan Area; and

WHEREAS, due to a variety of factors, other parts of the Metropolitan Area have been increasingly successful over the past several years, surpassing Memphis and Shelby County in the construction and leasing of warehouse/distribution space; and

WHEREAS, a number of PILOT program policies have imposed an unintended burden on businesses making it more costly, and in some cases uneconomical, for them to locate or expand their business in Memphis and Shelby County or to receive financing, causing said companies to locate their facilities in other communities; and

WHEREAS, the Council of the City of Memphis, Tennessee desires to improve the PILOT program and policies by approving the amendments set forth in Exhibit A attached hereto and incorporated by reference, so as to make the community more competitive in attracting jobs and investment while protecting and providing the most cost-effective opportunities for its taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Industrial Development Board of the City of Memphis and County of Shelby is hereby instructed to immediately take whatever action is necessary to effectuate the policy and program changes outlined in Exhibit A.

BE IT FURTHER RESOLVED, that should the provisions, outlined in Exhibit A conflict with any previous Resolution of the Council of the City of Memphis, the provisions of this Resolution shall prevail.

BE IT FURTHER RESOLVED, that the Industrial Development Board of the City of Memphis and County of Shelby is hereby authorized to amend its Corporate Charter, its Policy Manual, other governing or guidance documents, and its leases and other legal documents as necessary to implement the policy and program changes outlined in Exhibit A.

BE IT FURTHER RESOLVED, that, notwithstanding any prior Resolution adopted by the Council of the City of Memphis, the Industrial Development Board of the City of Memphis and the County of Shelby is hereby authorized to apply policy and program changes adopted pursuant to this Resolution to PILOTs approved subsequent to August 15, 2007. This provision, among other things retroactively eliminates to August, 2007, the need for a 75% residency requirement and for the requirement of companies to provide a letter of credit, escrow funds to guard against tax losses during the PILOT ramp up period, or to pay back local taxes should their PILOTs not run to full term.

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

March 17, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Charlie F. Morris, Sr.

be appointed to the Citizens' Law Enforcement Review Board with a term expiring September 30, 2011.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

Civilian Law Enforcement Review Board BOARD/COMMISSION

Name: Charlie F. Morris, Sr. Date of Birth: 1/22/1921

Business Address: _____ Phone: _____

E-Mail Address: _____

Business/Profession: Retired

Education: High School Diploma

Name of Spouse: Alma Morris (deceased) Number of Children: 2

Home Address: 981 Alaska Street Phone: 276-6741

City: Memphis State: TN. Zip: 38107

Resident of Shelby County: 60+ years

Professional Organization/Associations: Memphis Area Legal Services.
National Organization of Client Advocates

Other Organizations/Associations: Kennedy Democratic Organization.
Region VI Clients Council

Other Interests: reading, fishing, gardening, traveling
television

CITIZENS' LAW ENFORCEMENT REVIEW BOARD
9 MEMBER BOARD
OATH OF OFFICE REQUIRED
4 YEAR TERM

MEMBERS	ADDRESS	TERM EXPIRES
Acey, David M/B (Citizen-At- Large)	Home Address: 5340 Norma Drive Memphis, TN 38109 Res: 901-785-2542 Bus: 901-678-3181	OCTOBER 31, 2006
Goodman Jr., David (Atty.) M/W	Home Address: 173 Marrakesh Circle Memphis, TN 38103 Bus: 901-524-5154	April 30, 1010
Key, Shirley Gholston (Citizen-At-Large) F/B	Home Address: 2117 Hallwood Drive Memphis, TN 38107 Res: 901-272-9168 Bus: 901-678-2626	October 31, 2009
Morris, Charles M/B (Citizen-At-Large) <i>(New Appointment)</i>	Home Address: 981 Alaska Memphis, TN 38107 901-276-6741	September 30, 2011
Randle, Harry 'Josh' M/W	Home Address: 1659 Cranford Road Memphis, TN 38117 Res: 901-573-3158	August 31, 2009
Stanton Jr., Edward (Citizen-At-Large) M/B	Home Address: 3605 Acacia Drive Memphis, TN 38116 901-346-2476	October 31, 2007
Walker, Frances F/W	Home Address: 647 East Parkway South Memphis, TN 38104	September 30, 2007
White, Ralph M/B	Home Address: 7583 Fairway Forest N. Memphis, TN 38016 901-948-3078 901-948-3211	October 31, 2006
Ried Hedgepeth Wanda Halbert (City Council Liaison)		

Civilian Law Enforcement Review Board

March 2008-January 2009		
<i>Members</i>	<i>Present</i>	<i>Absent</i>
Chairperson Dr. Shirley Gholston Key	5	2
David Acey	6	1
David Goodman Jr.	3	4
Vacant (Alma Morris)		
Vacant (Ed Stanton Jr)		
Harry "Josh" Randle	7	0
Dr. Francis Walker	7	0
Rev. Ralph White	6	1
Councilman Ried Hedgepeth	0	7
Councilperson Wanda Halbert	1	

Total number of meeting as of February 2009

7

RESOLUTION

WHEREAS, the City of Memphis, through the Division of Housing and Community Development, in response to the Neighborhood Stabilization Program (NSP) allocation, established a planning committee to examine foreclosure and sub prime loan data for the City of Memphis in order to identify the areas of greatest need for NSP funding; and

WHEREAS, the Division of Housing and Community Development (HCD) on behalf of the City of Memphis submitted a grant application to the U.S. Department of Housing and Urban Development (HUD) as required to amend the City's 2008 Annual Federal Action Plan, as authorized under Title III of the Housing and Economic Recovery Act (HERA) of 2008; and

WHEREAS, the City of Memphis was awarded Eleven Million Five Hundred Six Thousand Four Hundred and Fifteen Dollars (\$11,506,415.00) from HUD for a period commencing April 1, 2009 and ending September 30, 2010; and

WHEREAS, the City of Memphis, Division of Housing and Community Development (HCD) proposes making the majority of the NSP funds available for use by nonprofit and for-profit affordable housing developers within 10 zip codes of Memphis. HCD expects that this funding will result in the acquisition, rehabilitation, and disposition of approximately 145 units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that the HUD Neighborhood Stabilization Program (NSP) grant in the amount of Eleven Million Five Hundred Six Thousand Four Hundred and Fifteen Dollars (\$11,506,415.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2009 Operating Budget be and is hereby amended by appropriating the Revenues and Expenditures for the Neighborhood Stabilization Program in the amount of Eleven Million Five Hundred Six Thousand Four Hundred and Fifteen Dollars (\$11,506,415.00) as follows:

Revenue

<u>HUD Neighborhood Stabilization Program Grant</u>	<u>\$11,506,415.00</u>
Total	\$11,506,415.00

Expense

<u>Payment to Subgrantees (CD90006)</u>	<u>\$11,506,415.00</u>
Total	\$11,506,415.00

RESOLUTION

WHEREAS, the Administration is requesting that the Council of the City of Memphis modify the FY2009 Capital Improvement Budget by creating a new project, Safe Route to School Frayser, project number PW04065; and

WHEREAS, the City of Memphis will enter into a contract with the State of Tennessee Department of Transportation; and

WHEREAS, under this contract, the State of Tennessee Department of Transportation has agreed to fund 100% of the project cost for Safe Route to School Frayser; and

WHEREAS, it is necessary to accept this grant in the amount of \$258,360.00; and

WHEREAS, it is necessary to amend the FY2009 Capital Improvement budget by establishing an allocation in the amount of \$258,360.00 for Safe Route to School Frayser, project number PW04065.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2009 Capital Improvement Budget be modified to create Safe Route to School Frayser, project number PW04065.

BE IT FURTHER RESOLVED by the Council of the City of Memphis is hereby accepting the sum of \$258,360.00 in Federal Grant funds from the State of Tennessee Department of Transportation.

BE IT FURTHER RESOLVED that the FY2009 Capital Improvement Budget be amended by establishing an allocation in the amount of \$258,360.00 for Safe Route to School Frayer, project number PW04065.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include the Collins Yard Building, CIP Project Number PW04067 as part of the Fiscal Year 2009 Capital Improvement Program; and

WHEREAS, the Administration proposes to build the new Collins Yard Building, with the estimated construction cost of \$3,150,000.00; and

WHEREAS, the Administration is required to present a preliminary design to the appropriate Council Committee and obtain approval prior to the continuation of the project and taking of bids.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Collins Yard Building, CIP Project Number PW04067, is hereby approved for the completion of plans and specifications and taking of bids at the estimated construction cost of \$3,150,000.00.

Project Title:	Collins Yard Building
Project Number:	PW04067
Project Estimated Cost:	\$3,150,000.00

RESOLUTION

WHEREAS, the Administration requests to amend the FY09 Capital Improvement Budget by transferring a construction allocation in the amount of \$200,000.00, from Liberty Bowl Gate/Res, CIP Project Number PK10018 to, Liberty Bowl ADA Seating, CIP Project Number PK10013 and;

WHEREAS, it is necessary to appropriate \$200,000.00 in construction Liberty Bowl ADA Seating, CIP Project Number PK10013 funded by G. O. Bonds General.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the FY09 Capital Improvement Budget is hereby amended by transferring an allocation of \$200,000.00, in construction from Liberty Bowl Gate/Res, CIP Number PK10018 to construction in Liberty Bowl ADA Seating, CIP Project Number PK10013.

BE IT FURTHER RESOLVED, the sum of \$200,000.00 in construction funded by G. O. Bonds General is hereby appropriated, chargeable to the FY09 Capital Improvement Budget, with said appropriation being credited to:

Liberty Bowl ADA Seating	\$200,000.00
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CIP Project Number: PK10013	G. O. Bonds General
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RESOLUTION

WHEREAS, the Council of the City of Memphis did include Riverfront Park Improvements CIP Number GA01003 as part of the Fiscal Year 2008 Capital Improvements Program; and

WHEREAS, the allocation for GA01003 was never appropriated; and

WHEREAS, it is necessary to amend the FY 2009 Riverfront Development Corporations Capital Improvement Allocation Award and add GA01003 Mud Island Playground and Chickasaw Heritage Park Walking Trail and establish an Allocation Award of \$397,000 in the construction line.

WHEREAS, 5 bids were received on November 12, 2008 for Mud Island Playground and Chickasaw Heritage Park Walking Trail, with the lowest and best complying bidder being the firm of Wagner General Contractors in the amount of \$368,000.00; and

WHEREAS, it is necessary to appropriate \$397,000 in construction funds for the following:

Bid Amount	\$368,000
Contingency	\$29,000
Total	\$397,000

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that the Riverfront Development Corporations FY 2009 Capital Improvement Program Fund be amended to include GA01003 Mud Island Playground and Chickasaw Heritage Park Walking Trail and establish an Allocation Award of \$397,000 in the Construction line funded by GO Bonds General and the Allocation Award of \$397,000 in the Construction line be appropriated for construction; and

BE IT FURTHER RESOLVED by the Council of the City of Memphis, that the allocation award be appropriated and credited as follows:

Project Title:	Riverfront Park Improvements
CIP Project Number:	GA01003
Amount:	\$397,000.00
Category:	Construction

RESOLUTION

WHEREAS, the Administration requests to amend the FY09 Capital Improvement Budget by transferring a construction allocation in the amount of \$200,000.00, from Liberty Bowl Gate/Res, CIP Project Number PK10018 to, Liberty Bowl ADA Seating, CIP Project Number PK10013 and;

WHEREAS, it is necessary to appropriate \$200,000.00 in construction Liberty Bowl ADA Seating, CIP Project Number PK10013 funded by G. O. Bonds General.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the FY09 Capital Improvement Budget is hereby amended by transferring an allocation of \$200,000.00, in construction from Liberty Bowl Gate/Res, CIP Number PK10018 to construction in Liberty Bowl ADA Seating, CIP Project Number PK10013.

BE IT FURTHER RESOLVED, the sum of \$200,000.00 in construction funded by G. O. Bonds General is hereby appropriated, chargeable to the FY09 Capital Improvement Budget, with said appropriation being credited to:

Liberty Bowl ADA Seating	\$200,000.00
CIP Project Number: PK10013	G. O. Bonds General

RESOLUTION

WHEREAS, the City of Memphis, Division of Public Services and Neighborhoods, Memphis Public Library and information Center, has received Sixteen Thousand, Five Hundred, Fifty-Four and 93/100 Dollars (\$16,554.93) from the estate of Gary D. Fitzgerald through the office of the Federal Employees' Group Life Insurance; and

WHEREAS, these funds will be used to purchase books and materials for the Memphis Public Library and Information Center; and

WHEREAS, it is necessary to appropriate the bequest from the estate of Gary D. Fitzgerald in the amount of Sixteen Thousand, Five Hundred, Fifty-Four and 93/100 Dollars (\$16,554.93) for books and materials.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that Sixteen Thousand, Five Hundred, Fifty-Four and 93/100 Dollars (\$16,554.93) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2009 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the General Library Service and Materials in the amount of Sixteen Thousand, Five Hundred, Fifty-Four and 93/100 Dollars (\$16,554.93) as follows:

Revenue

Misc. Library Revenue	\$16,554.93
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Expense

Library Books	\$16,554.93
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**ORDINANCE TO AMEND CHAPTER 5, CODE OF ORDINANCES, CITY OF
MEMPHIS, TO ESTABLISH SPAY OR NEUTER REQUIREMENTS**

WHEREAS, Chapter 5 of the existing City Code of Ordinances, currently regulates the ownership, use and control of animals and fowl within the City of Memphis; and

WHEREAS, the City of Memphis is committed to maintaining the health, safety and well-being of its citizens and the Memphis City Council believes it prudent to address the overpopulation of dogs and cats within the city limits; and

WHEREAS, requiring that dogs and cats be spayed or neutered is an avenue proven useful in other cities in not only reducing the pet population but ensuring that animals are able to be placed in good homes.

NOW, THEREFORE,

SECTION 1, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 5, Article III be amended by adding the following:

Sec. 5-56-.1 Spaying, neutering of dogs and cats.

- (a) No person may own, keep, or harbor a dog or cat (6) months of age or older that has not been spayed or neutered unless such person holds an unaltered license tag for each unaltered dog or cat, unless the dog or cat is otherwise exempt under this Ordinance, or a breeder's permit.
- (b) Any person intentionally providing care or sustenance for a dog or cat for a period of ten (10) days shall be deemed the owner of such dog or cat and shall comply with this section.
- (c) The following animals are exempt from the provisions of this section:
 - (1) Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities, or dogs designated as breeding stock for law enforcement purposes by an appropriate agency or organization approved by the Animal Shelter Director after consultation with knowledgeable professionals;
 - (2) Dogs documented as having been appropriately trained and actually being used as service dogs, such as a guide dog, hearing dog, or social/therapy dog, or dogs designated as breeding stock for these purposes by an appropriate agency or organization approved by the Animal Shelter Director after consultation with knowledgeable professionals;
 - (3) Dogs documented as having been appropriately trained and actually

being used by search and rescue agencies for search and rescue activities, or dogs designated as breeding stock for these purposes by an appropriate agency or organization approved by the Animal Shelter Director after consultation with knowledgeable professionals;

(4) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed/neutered;

(5) Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, or dogs designated as breeding stock for these purposes by an appropriate agency or organization approved by the Animal Shelter Director after consultation with knowledgeable professionals;

(6) Dogs or cats which are owned and in the custody and control of persons who do not reside in the City of Memphis, but who are temporarily visiting or traveling through the City of Memphis.

(d) Penalty.

Any owner found guilty of violating the spay or neuter section of this Code and not classified within the exceptions or exemptions therein shall be subject to fine for each violation. Nothing herein shall be construed as preventing the prosecution of a proceeding violation of this section where there has been no impoundment.

SECTION 2, BE IT FURTHER ORDAINED that Chapter 5, Article III, Section 5-57 (a) is hereby amended by deleting item 1 and replacing it with the following language:

1. For each fertile dog: forty-five dollars (\$45.00);

SECTION 3, BE IT FURTHER ORDAINED that Chapter 5, Article III, is hereby amended by adding the following:

Sec. 5-58.2 Breeder's permit.

(a) Permit required.

It shall be unlawful for any person to operate as a commercial breeder without a valid breeder's permit. Such breeder's permit is required in addition to any other license required under this code.

(b) Application for permit.

A person who wishes to operate as a commercial breeder may apply to the Animal Shelter Director for a breeder's permit thirty (30) days prior to the breeding of said animals. An application for a breeder's permit shall include:

- (1) The name, address, and telephone number of the applicant;
- (2) The name, address, and telephone number of the location where the breeding will be conducted;

- (3) A description of the types of animals to be bred; and
- (4) Any other information deemed necessary by the Animal Shelter Director.
- (c) The Animal Shelter Director shall issue a breeder's permit if the applicant meets the qualifications to obtain such permit and upon payment of an annual breeder's permit fee of \$1,000.
- (d) Grounds for denial or revocation.

A breeder's permit shall be denied or revoked if the permit holder fails to:

 - (1) Complete the application for a breeder's permit;
 - (2) Properly restrain the dogs in his care and custody;
 - (3) Adequately care for and protect the dogs in his care and custody;
 - (4) Meet all requirements specified on the commercial breeder's permit; or
 - (5) Pay all required fees pertaining to the breeder's permit.

If the Animal Shelter Director denies an application or revokes an existing permit, he shall provide notice of the denial or revocation to the applicant or permit holder in writing not later than the 10th business day after the determination to deny an application or to revoke a permit. The notice of denial or revocation shall be sent to the permit holder or applicant by certified mail, return receipt requested, addressed to the permit holder or applicant.
- (e) Penalty.

Any owner found guilty of violating the breeder's permit section of this Code and not classified within the exceptions or exemptions therein shall be subject to fine for each violation. Nothing herein shall be construed as preventing the prosecution of a proceeding violation of this section where there has been no impoundment.

Section 5-58.3 Appeal

A person may appeal the denial or revocation of a permit by delivering a written request for an appeal to the Animal Shelter Advisory Committee not more than 10 days after the first date of mailing written notice of denial or revocation.

(1) The chairman of the Animal Shelter Advisory Committee shall cause written notice to be given to the applicant or permit holder that a hearing on his appeal will be conducted. Such notice shall include the following:

- (a) The place where the hearing will be conducted; and
- (b) The date and time of the hearing, which shall be not later than the fifteenth day after the date the notice was sent to the applicant or permittee; provided that the hearing panel may continue the hearing upon the written request of the licensee.

(2) All hearings shall be held by two members of the Animal Shelter Advisory Committee and the member of the City Council designated as

the liaison for Public Services & Neighborhoods or his designee.

(3) An assistant city attorney may be present at the hearing to advise the panel as to procedural matters; however, the attorney shall not participate in any determination of the facts.

(4) All hearings shall be conducted under rules consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:

(a) All parties shall have the right to representation by an attorney licensed to practice in the state of Tennessee though an attorney is not required.

(b) Each party may present witnesses in his own behalf.

(c) Each party has the right to cross examine all witnesses.

(d) Only evidence presented before the panel at the hearing shall be considered in rendering the decision.

(e) The hearing panel may affirm or reverse a permit denial or revocation. The decision of the hearing panel shall be final and shall be delivered in writing to the applicant or permit holder in the same manner as a notice under section 5-58.2 of this Code.

SECTION 4, BE IT FURTHER ORDAINED that Chapter 5, Article III, Section 5-79 is hereby amended by adding the following:

Section Violation	Nature of Violation	Forfeiture
5-56.1	Failure to spay/neuter dog or cat	\$50
5-58.2	Failure to obtain breeder's permit	50

(d) The established forfeitures as provided herein for Section 5-56.1 and 5-58.2 shall be applied per dog or cat found to be in noncompliance per day.

SECTION 5. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 6. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

KEMP CONRAD
JANIS FULLILOVE
WILLIAM BOYD
SHEA FLINN

WHEREAS, upon occasion, the Memphis City Council approves the naming of specified public thoroughfares to honor citizens who have served this community; and

WHEREAS, on April 4, 2009, **AFSCME Local 1733** will hold their annual 'March' in commemoration of Dr. Martin Luther King and this year **Mr. Joe C. Warren**, first president of the **AFSCME Local 1733** is being honored for his selfless dedication and loyalty to the City of Memphis Sanitation Department and its workers; and

WHEREAS, in 1965, the City of Memphis Sanitation Department terminated 33 black employees for alleged employment violations; **Mr. Joe Warren** said "Enough is Enough" and opened his house at 968 Meagher to the unfairly dismissed sanitation workers to meet and discuss what action should be taken to address their grievances; and

WHEREAS, the result of these discussions is the historical event known as the Memphis Sanitation Strike and it was then that **Mr. Warren** suggested that a union be formed and named Local 1733 in honor of the 17 employees who were rehired and the 33 originally terminated; and

WHEREAS, before becoming a sanitation worker, **Mr. Joe Warren** served as staff sergeant in the United States Army and during a combat in Italy, nearly everyone in his battalion was killed with the exception of three comrades; this event had a profound effect on **Mr. Warren**, and it was then, that he said he was "A Man"; and

WHEREAS, after sharing this life changing experience with his fellow sanitation employees, he encouraged them to stand and be men and to tell then Memphis' mayor, Henry Loeb, "**I AM A MAN**" and the phrase became their motto; and

WHEREAS, it is indeed an honor to participate in this special day of reflection and thanksgiving for **Mr. Warren** who started the movement on behalf of hundreds of workers who wanted nothing more than to be treated as "men"; and

WHEREAS, it is fitting and proper that **Mr. Joe C. Warren** be honored for a lifetime of service and commitment to the City of Memphis Sanitation Department and his fellow workers and that he be remembered as a citizen who has shown great dedication to his calling as a leader.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that Meagher Street between Jackson and Mahoney Avenue be honorarily dedicated

"MR. JOE C. WARREN BOULEVARD"

BE IT FURTHER RESOLVED That the City Engineer is requested to affix a suitable marker so designating such public road.

ADOPTED: March 17, 2009

JOE BROWN
Council Member

CITY COUNCIL RESOLUTION

WHEREAS, the U.S. Census Bureau is required by the Constitution of the United States of America to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, the City of Memphis is committed to ensuring every resident is counted; and

WHEREAS, more than \$300 billion per year in federal and state funding is allocated to communities and decisions are made on matters of national and local importance based on census data including healthcare, community development, housing, education, transportation, social services, employment and much more; and

WHEREAS, census data is used to determine how many seats each state will have in the U.S. House of Representatives and for the redistricting of local, state and federal voting districts; and

WHEREAS, the 2010 Census creates hundreds of thousands of jobs across the nation; and

WHEREAS, every Census Bureau worker takes a lifetime oath to protect confidentiality and ensure that data identifying respondents or their households not be released or shared for 72 years; and

WHEREAS, a united voice from businesses, government, community-based and faith-based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council supports the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage participation.

BE IT FURTHER RESOLVED that the Council appeals to local organizations and groups to partner together to achieve an accurate and complete count for Memphis.

BE IT FUTHER RESOLVED that the Council encourages residents to participate in Census 2010 promotional events and initiatives that will raise the overall awareness of the census and increase participation among all populations.

ADOPTED: MARCH 17, 2009

MYRON LOWERY
Chairman

CITY COUNCIL RESOLUTION

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, Congress and President Obama are planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spend to maximize the creation of American jobs and restoring the economic vitality of our communities; and

WHEREAS, any domestically produced products purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

WHEREAS, any economic recovery plan spending should, to every extent possible, include a commitment from the City of Memphis to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place; and

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

BE IT FURTHER RESOLVED that we commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the City of Memphis by the American taxpayers.

BE IT FUTHER RESOLVED that as legislators of the City of Memphis, we commit to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

ADOPTED: MARCH 17, 2009

MYRON LOWERY
Chairman